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Phoenix, Arizona 85016 14

The Law Offices of Garry D. Hays PC 2198 East Camelback Road, Suite 305

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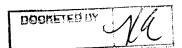
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Arizona Corporation Commission DOCKETED

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AZ CORP COMMISSION DOCKET CONTROL

BEFORE THE

ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE PETITION OF
ARIZONA WATER COMPANY FOR
INCREASE OF AREA TO BE SERVED AT
CENTRAL HEIGHTS, ARIZONA

DOCKET NO. W-01445A-14-0305

NOTICE OF FILING AFFIDAVIT OF MAILING PUBLIC NOTICE AND AFFIDAVIT PUBLICATION

In accordance with the Procedural Order of May 17, 2016, the City of Globe published the notice attached to this pleading in a newspaper of general circulation in the disputed territories and mailed the notice to the affected customers. Attached, as Attachment 1, is an affidavit of Publication from the Arizona Silver Belt newspaper and the San Carlos Apache Moccasin attesting to the publication of the required public notice on May 25, 2016. Attached, as Attachment 2, is the Affidavit of Jodi Martin attesting that the required public notice was mailed to each water customer and landowner in the disputed area on May 20, 2016.

RESPECTFULLY SUBMITTED this 10th day of June 2016

Garry D. Hays

The Law Offices of Garry D. Hays, PC 2198 East Camelback Road, Suite 305 Phoenix, Arizona 85016

Attorney for City of Globe

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1	ORIGINAL and thirteen (13) copies filed on June 10, 2016 with:
2	Docket Control
3	Arizona Corporation Commission 1200 West Washington Street
4	Phoenix, AZ 85007
5	Copies of the foregoing Mailed/hand delivered on June 10, 2016 to:
6	Dwight Nodes
7	Chief Administrative Law Judge Hearing Division
8	Arizona Corporation Commission 1200 West Washington Street Phoenix A 7,85007
9	Phoenix, AZ 85007
10	Janice Alward, Esq. Chief Council, Legal Division
11	Arizona Corporation Commission 1200 West Washington Street Phoenix, AZ 85007
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Phoenix, Arizona 85016	Thomas Broderick Director, Utilities Division
Бон <mark>а</mark> 14	Arizona Corporation Commission 1200 West Washington Street Phoenix, AZ 85007
15	William J. Sims III
16	Sims Murray, Ltd
17	2020 N. Central Ave, Ste 670 Phoenix, Arizona 85004
18	Steven Hirsch
19	Quarles & Brady LLP Two North Central Avenue
20	Phoenix Arizona 85004
21	
22	By Nicola Wright
23	TAICOIC WIIGHT
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ATTACHMENT 1

Affidavit of Publication

State of Arizona County of Gila

Marc Marin, or his authorized representative being first duly sworn deposes and says: That he is the Publisher of the Arizona Silver Belt and the San Carlos Apache Moccasin newspapers, located at 298 North Pine Street, Globe, Arizona 85501, or mail: P.O. Box 31, Globe, Arizona 85502.

PUBLIC NOTICE OF THE HEARING ON THE

SETTLEMENT
AGREEMENT IN THE
MATTER OF THE
APPLICATION

OF THE CITY OF GLOBE FOR APPROVAL TO AMEND DECISION NO. 33424 PURSUANT TO A.R.S. \$40-252

(DOCKET NO. W-01445a-14-0305).

Summary

On September 20, 1961, the Arizona Corporation Commission ("Commission") issued Decision No. 33424, granting Arizona Water Company ("AWC") A Certificate of Convenience and necessity ("CC&N") to serve various areas in Gila County, Arizona.

On August 18, 2014, the City of Globe ("Globe") filed with the Commission an application requesting approval to amend Decision No. 33424 by removing from AWC's CC&N two areas to which Globe stated it has provided water service since the early 1900s.

Since the filing of the application, Globe and AWC have engaged in settlement discussions which resulted in a settlement agreement. Relevant terms of the settlement agreement include the following:

May 25, 2016	
May 23, 2010	

(s) By: Sherri Davis
for Marc Marin
Publisher

State of Arizona)
) ss:
County of Gila)

The foregoing instrument was acknowledged before me May 25, 2016, 2016, by Marc Marin.

BETHEL JEAN BAKER
Notery Public - State of Arizone
GILA COUNTY
My Commission Expires
December 31, 2019

Todhal Sean tater Notary Public

> My Commission Expires: December 31, 2019

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On September 20, 1981, the Arizona Corporation Commissions are recorded to the Arizona Corporation Commission (Contralisation); listuad Decision No. 33424, granting Arizona. Water Company (NAMC), Contralisation of Convenience and recorded recorded to the Contralisation of Contralisation of

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adjoining US. Highway 8 name Phallenc Pass Road and the Phall Creek Road, and the relined tracks located north of USA. Highway 80 in portions of Section 25, Township 1, Name, Range 18 East, is within AWCs CCBN and has 14 customers to whom Globe provides public utility water services. Under the terms of the customers in the Northern Disputed Area will continue to receive water service from Globe via at license granted by AWC and will continue to pay Globe's rates and charges.

*AWC shall purchase Globe's water distribution infrastructure in the Southern Disputed Area and stong U.S. Highway to the Northern Disputed

Under the settlement agreement, the monthly bill for a residential customer with everyone the control of the co

ment agreement following consideration of testimony

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The second An agendance ment agreement following consideration of testimony and evidence presented at an evidentiary hearing. How You Can View or Oblain a Copy. of the Settlement Agreement Copies of the settlement agreement are available from Globe at Globe City Hall; 150 N. Prine Steet, Globe City Hall; 150 N. Prine Steet, Globe, Arlzona 5500 Parkween 8:00 am and 5:00 pm; from AWC st. Artzona 85539 leahean 9:00 artzona 85539 leahean 9:00 am at 4:00 print the Commission's Docket Control Corner at 1200 leves Washington, Phoenib, Arizona 85007, for public inspecificin during requise business hours, and on the internet wis the Commission's website sion's

(www.azcc.gov) using the e-

Docket function.
Globe and AWC have sent letters to the customers who are believed to be potentially affected by the settlement

Arizona corporation Com-mission Public Hearing In-formation
The Commission will hold a

The Commission will hold a hearing on this matter beginning June 28,2018 at 10:00 a.m., at the Commission sofices, Hearing Room No.1, 1200 West Weshington Street, Phoening, Arzona 85007. Public commercia will be taken on the first day of hearing.

hearing.
Written public comments may
be submitted by mailing a letter referencing Docket No. WD1445A-14-0305 to Arizona Corporation Commission Consumer Services Section, 1200 West Weshington, Phoenix, AZ, 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comments for a Utility function. If you require assistance, you may contact the Consumer Sarvices Section at 602-542-4251.

ices Section at 602-542-4251 or 1-800-222-7900.
Additionally, Globe and AWC will hold an informational session regarding the sattlement agreement at Globe City Hall on Wednesday, June 15, 2016 at 8:00 pm. The adverses for Globe City Hall is 150 N. Pine Street, Globe, Artzona 86501.
About Interventibos.

About Intervention The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention it the outcome of the case will directly and substantially impact the person, and the perpact the person, and the per-son's intervention will not unduly broaden the issues in the case intervention, among other things, entitles a party to present swom evidence at hearing and to coss-examine other parties' witnesses. However failure to intervene will not preclude any interested person of entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must fite an original and 13 hard copies of a written request to intervene with Docket Control, 1200 West Washington Street, Phoenix, AZ. 85007, no later than June 17, 2016. You also must serve a copy of the re-quest to intervene on each perty of record, on the serve day that you file the request to intervene with the Com-mission information about in-

available on the Commission's website (www.uzcc.cov) using the "In-tervention in Littlify Cases" link. Your request to intervene must contain the following: must contain the following:

1. Your name, address, and telephone number and the name, address; and telephone number of any person upon whom sanylog of doos, ments is to be made, if not yourself. ments is to be made, if not yourself, 2. A reference to docket No. W-01445A-14-0308; 3. A short statement of your interest in the proceeding (E.G., a customer or potential oustomer of AWC, a customer of Globe, etc.), how you will be directly and substantially affected by the outcome of the case, and why your intervention will not unduly broaden the issues in the case; 4. A statement certifying that a copy of the motion to inter-vene has been mailed to Globe and AWC or their counsel and to all parties of record in the case; and 5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, information and inclividual information and any appropriate documentation, demonstrating compilions and any appropriate documentation, demonstrating compilions are seen at 120, 32 and 120, as applicable. The granting of motions to intervene since he governed by AAC R14.2-108 except the tall motions to intervene must be filed on or before them 112 ACC R14.2-108 except the tall motions to intervention by coursel is required by AFI. Cons Supreme Court Rule 31, intervention will be conditioned upon the triervenor obtaining coursel to represent the intervenor. sant the intervenor.
ADA/Equal Access Informs tien
The Commission does not discriminate on the basis of disability in admission to its disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail Bernal, E-mail SAbernal@azcc.gov voice phone number 602-542-3931. Requests should be

made as early as possible to allow time to arrange the accommodation One Pub: 5-25-2016 Self 9781

ATTACHMENT 2

AFFIDAVIT OF JODI MARTIN

STATE OF ARIZONA)	
)	SS
County of Gila)	

Jodi Martin, being first duly sworn, deposes and says:

- 1. I am resident of Gila County. I am over 18 years of age and I make this affidavit based upon my own personal knowledge.
- 2. I am the Water Department Office Manager for the City of Globe, Arizona.
- 3. In accordance with the Procedural Order dated May17, 2016 in Docket No. W-01445A-14-0305, I caused a copy of the customer notice attached hereto as Exhibit A to be mailed to each water customer in the disputed area on May 20, 2016.

odi Martin

SUBCRIBED and sworn to before me this 10 day of June, 2016.

Rotary Public

My Commission Expires: CECILIA A. BERNAL

Notary Public - State of Arizona GILA COUNTY My Commission Expires December 29, 2017

EXHIBIT A

PUBLIC NOTICE OF THE HEARING ON THE SETTLEMENT AGREEMENT IN THE MATTER OF THE APPLICATION OF THE CITY OF GLOBE FOR APPROVAL TO AMEND DECISION NO. 33424 PURSUANT TO A.R.S. §40-252 (DOCKET NO. W-01445a-14-0305).

Summary

On September 20, 1961, the Arizona Corporation Commission ("Commission") issued Decision No. 33424, granting Arizona Water Company ("AWC") A Certificate of Convenience and necessity ("CC&N") to serve various areas in Gila County, Arizona.

On August 18, 2014, the City of Globe ("Globe") filed with the Commission an application requesting approval to amend Decision No. 33424 by removing from AWC's CC&N two areas to which Globe stated it has provided water service since the early 1900s.

Since the filing of the application, Globe and AWC have engaged in settlement discussions which resulted in a settlement agreement. Relevant terms of the settlement agreement include the following:

- The Southern Disputed Area, more commonly known as Arlington Heights, encompassed in portion of Section 26, Township 1 North, Range 15 East, is within AWC's CC&N and has 48 customers to whom Globe provides public utility water service. Under the terms of the settlement agreement, the customers in the southern Disputed Area will transition to receive water service from AWC, under AWC's Commission-approved rates.
- The Norther Disputed Area, adjoining U.S. Highway 60 near Pinaleno Pass Road, Pinal Creek Road, and the railroad tracks located north of U.W. Highway 60 in portions of Section 23, Township 1 North, Range 15 East, is within AWC's CC&N and has 14 customers to whom Globe provides public utility water service. Under the terms of the settlement agreement, the customers in the Northern Disputed Area will continue to receive water service from Globe via a license granted by AWC and will continue to pay Globe's rates and charges.
- AWC shall purchase Globe's water distribution infrastructure in the Southern Disputed Area and along U.S. Highway 60 in the Northern Disputed Area.
- Under the settlement agreement, the monthly bill for a residential customer with average or median usage in the Southern Disputed Area within the city limits will be reduced by approximately \$1.33 or \$1.32, respectively; the monthly bill for a residential customer with average or median usage in the Southern Disputed Area outside the city limits will be reduced by approximately \$21.81 or \$20.22, respectively; and the monthly bill for a residential customer in the Northern Disputed Area will remain approximately the same.

The Commission will issue a Decision regarding the settlement agreement following consideration of testimony and evidence presented at an evidentiary hearing.

How You Can View or Obtain a Copy of the Settlement Agreement

Copies of the settlement agreement are available from Globe at: Globe City Hall; 150 N. Pine Street, Globe, Arizona 85501 between 8:00 am and 5:00 pm; from AWC at: Arizona Water Office; 422 W. Sullivan Street, Miami, Arizona 85539 between 9:00 am and 4:00 pm; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona 85007, for public inspection during regular business hours; and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Globe and AWC have sent letters to the customers who are believed to be potentially affected by the settlement agreement.

Arizona corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **June 28, 2016 at 10:00 a.m.,** at the Commission's offices, Hearing Room No. 1, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. W-01445A-14-0305 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comments for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

Additionally, Globe and AWC will hold an informational session regarding the settlement agreement at Globe City Hall on Wednesday; June 15, 2016 at 6:00 pm. The address for Globe City Hall is 150 N. Pine Street, Globe, Arizona 85501.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to coss-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must file **an original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington Street, Phoenix, AZ 85007, **no later than June 17, 2016.** You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (<u>www.azcc.gov</u>) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

- 1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself:
- 2. A reference to docket No. W-01445A-14-0305;
- 3. A short statement of your interest in the proceeding (E.G., a customer or potential customer of AWC, a customer of Globe, etc.), how you will be directly and substantially affected by the outcome of the case, and why your intervention will not unduly broaden the issues in the case;
- 4. A statement certifying that a copy of the motion to intervene has been mailed to Globe and AWC or their counsel and to all parties of record in the case; and
- 5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, information and any appropriate documentation, demonstrating compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that <u>all motions to intervene must be filed on or before **June 17, 2016**. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.</u>

<u>ADA/Equal Access Information</u>
The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail SAbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.